

REMARKS

This Amendment is in response to the Office Action dated February 24, 2005. Claims 3-32 and 41-51 were pending in this application. Previously, claims 14-19 and 27- 40 were withdrawn from consideration in view of an earlier election of species requirement and claims 1, 2 and 33-40 were canceled without prejudice. By this Amendment, claim 3 has been amended to more clearly define the currently claimed invention. Claim 43 has been withdrawn as being directed to a non-elected species. Favorable reconsideration of all the pending claims is respectfully requested.

The Examiner has rejected claims 43 and 51 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. It is the Examiner's belief that the structure recited in these claims is not present in the original disclosure and therefore, constitute new matter. Applicants respectfully point out to the Examiner that the subject matter of each of these claims is fully disclosed in the specification. First, with regard to claim 43, Applicants direct the Examiner's attention to page 18, lines 11-10 of the specification, which clearly states that the ring member 116 (the reinforcing member) can be either embedded into the material forming the tip portion 114 itself, or can be applied to the outer surface or inner surface of this portion of the sheath as well. Therefore, there is specific support for claim 43. However, this particular disclosure is directed to the embodiment shown in Figs. 12 and 13 which, for the time being, has been withdrawn from consideration in view of an earlier election of species requirement made during the prosecution. Accordingly, Applicants have withdrawn claim 43 as being directed to a non-elected species and reserve the right to request issuance of this claim once generic claims have been allowed.

With regard to claim 51, Applicants respectfully direct the Examiner to page 18, lines 11-32 of the specification, which describe the embodiment of the present invention which has been chosen for prosecution in this application. Both the specification and the drawings of Figs. 14-16 show that in certain aspects of the present invention the restraining member helps to maintain the expandable housing portion 26 in a normally biased retracted position in accordance with claim 51. It is only when the expandable housing portion 26 contacts the filter basket that it begins to expand somewhat. As the expandable housing portion 26 is further advanced over the

filter basket, it will collapse back to its normally collapsed position as shown in Fig. 16. Accordingly, it is believed that the invention described in claim 51 is fully disclosed in the specification.

The Examiner has rejected claims 3-13 and 21-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,544,279 to Hopkins et al. (the "Hopkins patent") in view of U.S. Patent No. 6,123,715 to Amplatz (the "Amplatz patent"). Applicants strongly disagree with the Examiner's position that it would have been obvious to one skilled in the art to incorporate reinforcing members with the expandable housing of the Hopkins patent for the purpose of controlling the expansion/rigidity of the expandable housing. First, the Amplatz patent simply states that the use of tubular fabrics and tubular braids are well known in the fabric arts and that such fabrics have been used to reinforce the wall of a guiding catheter. However, conventional guiding catheters which utilize a tubular braid or tubular fabric do so in order to reinforce the catheter and prevent any expansion of the guiding catheter.

In the present claims, the reinforcing member provides additional column strength to the housing portion but does not interfere with the expansion of the housing portion. The tubular braid mentioned in the Amplatz patent does the very opposite, rather, and prevents any expansion. Therefore, the combination of the tubular braid with the housing described in the Hopkins patent would create a housing that would be reinforced, but would not expand. Accordingly, Applicants submit that the combination of the Hopkins patent with the Amplatz patent simply fails to create the structure recited in the present claims and would create a housing structure that is incapable of expanding. Applicants respectfully request the Examiner to withdraw the § 103 rejection which has been applied to all of the pending claims.

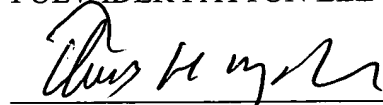
In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:



Thomas H. Majcher

Registration No. 31,119

THM:kh/gbr
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
81824.1